

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

EARL DEWAYNE HOLLOWAY,)
)
)
Petitioner,)
)
)
v.) 1:04-CV-286
) *Mattice/Lee*
HOWARD CARLTON, Warden,)
)
)
Respondent.)

MEMORANDUM AND ORDER

State prisoner Earl Dewayne Holloway (Holloway") files *pro se* for a petition for writ of *habeas corpus* pursuant to 28 U.S.C. § 2254 [Court Doc. 3]. This case was referred to United States Magistrate Judge Susan K. Lee under 28 U.S.C. § 636(b)(1)(B) for a report and recommendation. Magistrate Judge Lee filed her report and recommendation on June 23, 2006 [Court Doc. 15]. The parties have not timely filed any objections.

After reviewing the record, the Court hereby **ACCEPTS and ADOPTS** the report and recommendation pursuant to 28 U.S.C. § 636(b). For the reasons expressed in the Magistrate Judge's report and recommendation, Holloway's § 2254 petition shall be **DENIED and DISMISSED WITH PREJUDICE**. A separate judgment will enter.

SO ORDERED.

ENTER:

s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE